

FILED  
LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED

1111 NINETEENTH STREET, N.W.

SUITE 1200

WASHINGTON, D.C. 20036

(202) 857-3500

RUSSELL D. LUKAS

GERALD S. MCGOWAN

DAVID L. NACE

THOMAS GUTIERREZ

ELIZABETH R. SACHS

GEORGE L. LYON, JR.

PAMELA L. GIST

DAVID A. LAFURIA

TERRY J. ROMINE

MARCI E. GREENSTEIN<sup>+</sup>

MARJORIE GILLER SPIVAK

J. JUSTIN McCLURE<sup>+</sup>

MARILYN I. SUCHECKI

PAMELA GAARY HOLRAN

<sup>+</sup> NOT ADMITTED IN D.C.

June 7, 1996

RECEIVED

JUN 7 1996

Federal Communications Commission  
Office of Secretary

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

ORIGINAL

CONSULTING ENGINEERS  
THOMAS G. ADCOCK, P.E.

MEHRAN NAZARI

ALI KUZEHKANANI

SHAHRAM HOJATI, D.SC.

LEROY A. ADAM

LEILA REZANAVAZ

FARID SEYEDVOSOGHI

OF COUNSEL

JOHN J. MCAVOY

J.K. HAGE III<sup>+</sup>

TELECOPIER

(202) 842-4485

Email: [lmng@fcclaw.com](mailto:lmng@fcclaw.com)

<http://www.fcclaw.com/lmng>

WRITER'S DIRECT DIAL

(202) 828-9469

Re: **Notice of Written Ex Parte Presentation**  
**WT Docket No. 96-59**  
**GN Docket No. 90-314**

Dear Mr. Caton:

On behalf of the Coalition of New York Rural Telephone Companies ("Coalition"), this notice is submitted in accordance with Section 1.1206(a)(1) of the Commission's Rules, with the original and one copy submitted to the Commission's Secretary.

On June 7, 1996, the Coalition, at the direction of Larry S. Roadman, President of Margaretville Telephone Co., Inc., provided to David R. Siddall, Legal Advisor to Commissioner Susan Ness, a copy of the attached letters concerning the above-referenced dockets. The letters were addressed to The Honorable Reed E. Hundt, Chairman of the Commission, from The Honorable Gerald B.H. Solomon (dated June 5, 1996), and The Honorable John McHugh (dated June 6, 1996). Written comments were previously filed by the Coalition in this proceeding.

Very truly yours,



David L. Nace

cc: David R. Siddall (by hand-delivery)

Handwritten initials "C+Z" and other markings.

GERALD B.H. SOLOMON

MEMBER OF CONGRESS  
120 DISTRICT, NEW YORK  
ROOM 2906 RAYBURN BUILDING  
WASHINGTON, DC 20515-3222  
(202) 225-1111

MEMBER  
HOUSE TASK FORCE ON AMERICAN  
PRISONERS OF WAR AND  
MISSING IN SOUTHEAST ASIA

RULES COMMITTEE  
CHAIRMAN

MEMBER  
HOUSE TASK FORCE ON  
CHILD CARE, DRUGS,  
EDUCATION AND THE ELDERLY

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3222**

June 5, 1996

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Comm.  
1919 M Street, N.W.  
Room 814  
Washington, D.C. 20554

Dear Mr. Chairman:

It is my understanding that the FCC is in the process of establishing eligibility rules for the Personal Communications Service (PCS) 10Mhz spectrum auction. I am concerned that the express intent of Congress, that small businesses be afforded realistic opportunities to obtain PCS licenses, has not, and will not be realized in the PCS spectrum auction.

The reservations for "entrepreneurs" of the C (30Mhz) and F (10Mhz) block auctions was the FCC's attempt to meet the Congressional small business mandate. Analyses of the recently completed C-block auction show that small businesses did not fare well, unless they were the "control group" in new business ventures with large companies having virtually unlimited sources of bid financing.

I urge you to modify the eligibility rules for the F-block auction to ensure that small businesses be allowed to apply for and hold these licenses. Rural areas like the district I represent rely on small businesses to provide service, and will not be helped if all the spectrum is granted to small businesses that are aligned with large conglomerates.

I appreciate your consideration of this important matter.

Sincerely,

  
GERALD B. SOLOMON  
Member of Congress

GBS:mcj

POST OFFICE BOXES

**JOHN M. McHUGH**  
28TH DISTRICT, NEW YORK

**COMMITTEE ON NATIONAL SECURITY**  
PANEL ON MILITARY MORALE, WELFARE AND RECREATION  
CHAIRMAN  
SUBCOMMITTEE ON MILITARY INSTALLATIONS  
AND FACILITIES  
SUBCOMMITTEE ON MILITARY RESEARCH AND DEVELOPMENT  
**COMMITTEE ON GOVERNMENT REFORM  
AND OVERSIGHT**  
SUBCOMMITTEE ON THE POSTAL SERVICE  
CHAIRMAN  
SUBCOMMITTEE ON NATIONAL ECONOMIC GROWTH,  
NATURAL RESOURCES AND REGULATORY AFFAIRS  
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA



**Congress of the United States**  
**House of Representatives**  
416 Cannon House Office Building  
Washington, DC 20515-3224

ARMY CAUCUS  
Co-Chairman  
CONGRESSIONAL STUDY GROUP ON CANADA  
Co-Chairman  
U.S. MILITARY ACADEMY, BOARD OF VISITORS  
NATIONAL POSTAL MUSEUM ADVISORY COMMISSION  
CONGRESSIONAL RURAL CAUCUS  
GREAT LAKES TASK FORCE  
OLDER AMERICANS CAUCUS  
SPORTSMEN'S CAUCUS  
NORTHEAST AGRICULTURE CAUCUS  
TASK FORCE ON AGRICULTURE  
FIRE SERVICES CAUCUS  
RURAL HEALTH CARE COALITION  
FORESTRY 2000 TASK FORCE  
NATIONAL SECURITY CAUCUS  
NORTHERN BORDER CAUCUS  
REGULATORY REFORM CAUCUS

June 6, 1996

The Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Chairman:

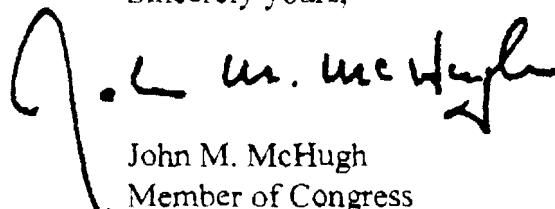
I understand that the Commission will soon establish eligibility rules for the Personal Communications Service (PCS) 10 Mhz spectrum auction. I am concerned that small businesses may not be afforded realistic opportunities to obtain PCS licenses during this process.

I base these concerns on information provided to me by small telephone companies located in Northern New York, whose officials tell me that an analysis of the earlier C-block auction shows that small businesses did not generally fare well. It would, indeed, be unfortunate if the remaining portion of the PSC spectrum auctions (the D, E and F-block auctions) suffers the same fate.

I urge the Commission to modify the eligibility rules for the F-block auction to ensure that a substantive licensing opportunity be provided to small, rural businesses, perhaps along the lines of the terms afforded to the C-block winners. It is only through such action that Congressional intent will be preserved and timely build-out of rural PCS systems will be realized.

Thank you for your consideration of this important matter.

Sincerely yours,

  
John M. McHugh  
Member of Congress

JMM/jmb